

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Access Subcommittee  
3 Representative Drake offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsections (3) and (4) and paragraph (b) of  
8 subsection (7) of section 20.04, Florida Statutes, are amended  
9 to read:

10 20.04 Structure of executive branch.—The executive branch  
11 of state government is structured as follows:

12 (3) For their internal structure, all departments, except  
13 for the Department of Financial Services, the Department of  
14 Children and Families ~~Family Services~~, the Department of  
15 Corrections, the Department of Management Services, the  
16 Department of Revenue, and the Department of Transportation,  
17 must adhere to the following standard terms:

18 (a) The principal unit of the department is the  
19 "division." Each division is headed by a "director."

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20 (b) The principal unit of the division is the "bureau."

21 Each bureau is headed by a "chief."

22 (c) The principal unit of the bureau is the "section."

23 Each section is headed by an "administrator."

24 (d) If further subdivision is necessary, sections may be  
25 divided into "subsections," which are headed by "supervisors."

26 (4) Within the Department of Children and Families ~~Family~~  
27 ~~Services~~ there are organizational units called "circuits" and  
28 "regions" "program offices," ~~headed by program directors.~~ Each  
29 circuit is aligned geographically with each judicial circuit and  
30 each region comprises multiple circuits which are in  
31 geographical proximity to each other.

32 (7)

33 (b) Within the limitations of this subsection, the head of  
34 the department may recommend the establishment of additional  
35 divisions, bureaus, sections, and subsections of the department  
36 to promote efficient and effective operation of the department.  
37 However, additional divisions, or offices in the Department of  
38 Children and Families ~~Family Services~~, the Department of  
39 Corrections, and the Department of Transportation, may be  
40 established only by specific statutory enactment. New bureaus,  
41 sections, and subsections of departments may be initiated by a  
42 department and established as recommended by the Department of  
43 Management Services and approved by the Executive Office of the  
44 Governor, or may be established by specific statutory enactment.

45 Section 2. Section 20.19, Florida Statutes, is amended to  
46 read:

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47           20.19 Department of Children and Families ~~Family~~  
48 ~~Services~~.—There is created a Department of Children and Families  
49 ~~Family Services~~.

50           (1) MISSION AND PURPOSE.—

51           (a) The mission of the Department of Children and Families  
52 ~~Family Services~~ is to work in partnership with local communities  
53 to ensure the safety, well-being, and self-sufficiency of the  
54 people served.

55           (b) The department shall develop a strategic plan for  
56 fulfilling its mission and establish a set of measurable goals,  
57 objectives, performance standards, and quality assurance  
58 requirements to ensure that the department is accountable to the  
59 people of Florida.

60           (c) To the extent allowed by law and within specific  
61 appropriations, the department shall deliver services by  
62 contract through private providers.

63           (1)~~(2)~~ SECRETARY OF CHILDREN AND FAMILIES ~~FAMILY SERVICES~~;  
64 DEPUTY SECRETARY.—

65           (a) The head of the department is the Secretary of  
66 Children and Families ~~Family Services~~. The secretary is  
67 appointed by the Governor, subject to confirmation by the  
68 Senate. The secretary serves at the pleasure of the Governor.

69           (b) The secretary shall appoint a deputy secretary who  
70 shall act in the absence of the secretary. The deputy secretary  
71 is directly responsible to the secretary, performs such duties  
72 as are assigned by the secretary, and serves at the pleasure of  
73 the secretary.

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74 ~~(c)1. The secretary shall appoint an Assistant Secretary~~  
75 ~~for Substance Abuse and Mental Health. The assistant secretary~~  
76 ~~shall serve at the pleasure of the secretary and must have~~  
77 ~~expertise in both areas of responsibility.~~

78 ~~2. The secretary shall appoint a Program Director for~~  
79 ~~Substance Abuse and a Program Director for Mental Health who has~~  
80 ~~have the requisite expertise and experience in his or her their~~  
81 ~~respective fields to head the state's Substance Abuse and Mental~~  
82 ~~Health Office programs.~~

83 ~~a. Each program director shall have line authority over~~  
84 ~~all district substance abuse and mental health program~~  
85 ~~management staff.~~

86 ~~b. The assistant secretary shall enter into a memorandum~~  
87 ~~of understanding with each district or region administrator,~~  
88 ~~which must be approved by the secretary or the secretary's~~  
89 ~~designee, describing the working relationships within each~~  
90 ~~geographic area.~~

91 ~~e. The mental health institutions shall report to the~~  
92 ~~Program Director for Mental Health.~~

93 ~~d. Each program director shall have direct control over~~  
94 ~~the program's budget and contracts for services. Support staff~~  
95 ~~necessary to manage budget and contracting functions within the~~  
96 ~~department shall be placed under the supervision of the program~~  
97 ~~directors.~~

98 ~~(d) The secretary has the authority and responsibility to~~  
99 ~~ensure that the mission of the department is fulfilled in~~  
100 ~~accordance with state and federal laws, rules, and regulations.~~

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101 ~~(3) PROGRAM DIRECTORS. The secretary shall appoint program~~  
102 ~~directors who serve at the pleasure of the secretary. The~~  
103 ~~secretary may delegate to the program directors responsibilities~~  
104 ~~for the management, policy, program, and fiscal functions of the~~  
105 ~~department.~~

106 ~~(2)(4) SERVICES PROVIDED PROGRAM OFFICES AND SUPPORT~~  
107 ~~OFFICES.-~~

108 (a) The department shall provide services relating to is  
109 ~~authorized to establish program offices and support offices,~~  
110 ~~each of which shall be headed by a director or other management~~  
111 ~~position who shall be appointed by and serves at the pleasure of~~  
112 ~~the secretary.~~

113 ~~(b) The following program offices are established:~~

- 114 1. Adult protection Services.
- 115 2. Child care regulation Services.
- 116 3. Child welfare.
- 117 ~~4.3.~~ Domestic violence.
- 118 ~~5.4.~~ Economic self-sufficiency Services.
- 119 ~~5.~~ Family Safety.
- 120 6. Homelessness.
- 121 ~~7.6.~~ Mental health.
- 122 ~~8.7.~~ Refugees Refugee services.
- 123 ~~9.8.~~ Substance abuse.

124 ~~(b)(c) Program offices and support Offices~~ of the  
125 department may be consolidated, restructured, or rearranged by  
126 the secretary, in consultation with the Executive Office of the  
127 Governor, provided any such consolidation, restructuring, or  
128 rearranging is capable of meeting functions and activities and

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129 achieving outcomes as delineated in state and federal laws,  
130 rules, and regulations. The secretary may appoint additional  
131 managers and administrators as he or she determines are  
132 necessary for the effective management of the department.

133 ~~(5) SERVICE DISTRICTS.~~

134 ~~(a) The department shall plan and administer its programs~~  
135 ~~of family services through service districts and subdistricts~~  
136 ~~composed of the following counties:~~

137 ~~1. District 1. Escambia, Santa Rosa, Okaloosa, and Walton~~  
138 ~~Counties.~~

139 ~~2. District 2, Subdistrict A. Holmes, Washington, Bay,~~  
140 ~~Jackson, Calhoun, and Gulf Counties.~~

141 ~~3. District 2, Subdistrict B. Gadsden, Liberty, Franklin,~~  
142 ~~Leon, Wakulla, Jefferson, Madison, and Taylor Counties.~~

143 ~~4. District 3. Hamilton, Suwannee, Lafayette, Dixie,~~  
144 ~~Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua~~  
145 ~~Counties.~~

146 ~~5. District 4. Baker, Nassau, Duval, Clay, and St. Johns~~  
147 ~~Counties.~~

148 ~~6. District 5. Pasco and Pinellas Counties.~~

149 ~~7. District 6. Hillsborough and Manatee Counties.~~

150 ~~8. District 7, Subdistrict A. Seminole, Orange, and~~  
151 ~~Osceola Counties.~~

152 ~~9. District 7, Subdistrict B. Brevard County.~~

153 ~~10. District 8, Subdistrict A. Sarasota and DeSoto~~  
154 ~~Counties.~~

155 ~~11. District 8, Subdistrict B. Charlotte, Lee, Glades,~~  
156 ~~Hendry, and Collier Counties.~~

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157 ~~12. District 9. Palm Beach County.~~

158 ~~13. District 10. Broward County.~~

159 ~~14. District 11, Subdistrict A. Miami-Dade County.~~

160 ~~15. District 11, Subdistrict B. Monroe County.~~

161 ~~16. District 12. Flagler and Volusia Counties.~~

162 ~~17. District 13. Marion, Citrus, Hernando, Sumter, and~~  
163 ~~Lake Counties.~~

164 ~~18. District 14. Polk, Hardee, and Highlands Counties.~~

165 ~~19. District 15. Indian River, Okeechobee, St. Lucie, and~~  
166 ~~Martin Counties.~~

167 ~~(b) The secretary shall appoint a district administrator~~  
168 ~~for each of the service districts. The district administrator~~  
169 ~~shall serve at the pleasure of the secretary and shall perform~~  
170 ~~such duties as assigned by the secretary.~~

171 (c) Each fiscal year the secretary shall, in consultation  
172 with the relevant employee representatives, develop projections  
173 of the number of child abuse and neglect cases and shall include  
174 in the department's legislative budget request a specific  
175 appropriation for funds and positions for the next fiscal year  
176 in order to provide an adequate number of full-time equivalent:

177 1. Child protection investigation workers so that  
178 caseloads do not exceed the Child Welfare League Standards by  
179 more than two cases; and

180 2. Child protection case workers so that caseloads do not  
181 exceed the Child Welfare League Standards by more than two  
182 cases.

183 ~~(3)(6) COMMUNITY ALLIANCES.-~~

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184 (a) The department may ~~shall~~, in consultation with local  
185 communities, establish a community alliance of the stakeholders,  
186 community leaders, client representatives and funders of human  
187 services in each county to provide a focal point for community  
188 participation and governance of community-based services. An  
189 alliance may cover more than one county when such arrangement is  
190 determined to provide for more effective representation. The  
191 community alliance shall represent the diversity of the  
192 community.

193 (b) The duties of the community alliance ~~shall~~ include,  
194 but are not ~~necessarily~~ be limited to:

195 1. Joint planning for resource utilization in the  
196 community, including resources appropriated to the department  
197 and any funds that local funding sources choose to provide.

198 2. Needs assessment and establishment of community  
199 priorities for service delivery.

200 3. Determining community outcome goals to supplement  
201 state-required outcomes.

202 4. Serving as a catalyst for community resource  
203 development.

204 5. Providing for community education and advocacy on  
205 issues related to delivery of services.

206 6. Promoting prevention and early intervention services.

207 (c) The department shall ensure, to the greatest extent  
208 possible, that the formation of each community alliance builds  
209 on the strengths of the existing community human services  
210 infrastructure.



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211 (d) The ~~initial~~ membership of the community alliance in a  
212 county shall be composed of the following:

213 1. A representative from the department ~~The district~~  
214 ~~administrator.~~

215 2. A representative from county government.

216 3. A representative from the school district.

217 4. A representative from the county United Way.

218 5. A representative from the county sheriff's office.

219 6. A representative from the circuit court corresponding  
220 to the county.

221 7. A representative from the county children's board, if  
222 one exists.

223 (e) At any time after the initial meeting of the community  
224 alliance, the community alliance shall adopt bylaws and may  
225 increase the membership of the alliance to include the state  
226 attorney for the judicial circuit in which the community  
227 alliance is located, or his or her designee, the public defender  
228 for the judicial circuit in which the community alliance is  
229 located, or his or her designee, and other individuals and  
230 organizations who represent funding organizations, are community  
231 leaders, have knowledge of community-based service issues, or  
232 otherwise represent perspectives that will enable them to  
233 accomplish the duties listed in paragraph (b), if, in the  
234 judgment of the alliance, such change is necessary to adequately  
235 represent the diversity of the population within the community  
236 alliance service circuits ~~districts~~.

237 (f) A member of the community alliance, other than a  
238 member specified in paragraph (d), may not receive payment for

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239 contractual services from the department or a community-based  
240 care lead agency.

241 (g) Members of the community alliances shall serve without  
242 compensation, but are entitled to receive reimbursement for per  
243 diem and travel expenses, as provided in s. 112.061. Payment may  
244 also be authorized for preapproved child care expenses or lost  
245 wages for members who are consumers of the department's services  
246 and for preapproved child care expenses for other members who  
247 demonstrate hardship.

248 (h) Members of a community alliance are subject to the  
249 provisions of part III of chapter 112, the Code of Ethics for  
250 Public Officers and Employees.

251 (i) Actions taken by a community alliance must be  
252 consistent with department policy and state and federal laws,  
253 rules, and regulations.

254 (j) Alliance members shall annually submit a disclosure  
255 statement of services interests to the department's inspector  
256 general. Any member who has an interest in a matter under  
257 consideration by the alliance must abstain from voting on that  
258 matter.

259 (k) All alliance meetings are open to the public pursuant  
260 to s. 286.011 and the public records provision of s. 119.07(1).

261 ~~(7) PROTOTYPE REGION.~~

262 ~~(a) Notwithstanding the provisions of this section, the~~  
263 ~~department may consolidate the management and administrative~~  
264 ~~structure or function of the geographic area that includes the~~  
265 ~~counties in the sixth, twelfth, and thirteenth judicial circuits~~  
266 ~~as defined in s. 26.021. The department shall evaluate the~~

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267 ~~efficiency and effectiveness of the operation of the prototype~~  
268 ~~region and upon a determination that there has been a~~  
269 ~~demonstrated improvement in management and oversight of services~~  
270 ~~or cost savings from more efficient administration of services,~~  
271 ~~the secretary may consolidate management and administration of~~  
272 ~~additional areas of the state. Any such additional consolidation~~  
273 ~~shall comply with the provisions of subsection (5) unless~~  
274 ~~legislative authorization to the contrary is provided.~~

275 ~~(b) Within the prototype region, the budget transfer~~  
276 ~~authority defined in paragraph (5) (b) shall apply to the~~  
277 ~~consolidated geographic area.~~

278 ~~(c) The department is authorized to contract for~~  
279 ~~children's services with a lead agency in each county of the~~  
280 ~~prototype area, except that the lead agency contract may cover~~  
281 ~~more than one county when it is determined that such coverage~~  
282 ~~will provide more effective or efficient services. The duties of~~  
283 ~~the lead agency shall include, but not necessarily be limited~~  
284 ~~to:~~

285 ~~1. Directing and coordinating the program and children's~~  
286 ~~services within the scope of its contract.~~

287 ~~2. Providing or contracting for the provision of core~~  
288 ~~services, including intake and eligibility, assessment, service~~  
289 ~~planning, and case management.~~

290 ~~3. Creating a service provider network capable of~~  
291 ~~delivering the services contained in client service plans, which~~  
292 ~~shall include identifying the necessary services, the necessary~~  
293 ~~volume of services, and possible utilization patterns and~~  
294 ~~negotiating rates and expectations with providers.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1229 (2012)

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- 295       ~~4. Managing and monitoring of provider contracts and~~  
296 ~~subcontracts.~~
- 297       ~~5. Developing and implementing an effective bill payment~~  
298 ~~mechanism to ensure all providers are paid in a timely fashion.~~
- 299       ~~6. Providing or arranging for administrative services~~  
300 ~~necessary to support service delivery.~~
- 301       ~~7. Utilizing departmentally approved training and meeting~~  
302 ~~departmentally defined credentials and standards.~~
- 303       ~~8. Providing for performance measurement in accordance~~  
304 ~~with the department's quality assurance program and providing~~  
305 ~~for quality improvement and performance measurement.~~
- 306       ~~9. Developing and maintaining effective interagency~~  
307 ~~collaboration to optimize service delivery.~~
- 308       ~~10. Ensuring that all federal and state reporting~~  
309 ~~requirements are met.~~
- 310       ~~11. Operating a consumer complaint and grievance process.~~
- 311       ~~12. Ensuring that services are coordinated and not~~  
312 ~~duplicated with other major payors, such as the local schools~~  
313 ~~and Medicaid.~~
- 314       ~~13. Any other duties or responsibilities defined in s.~~  
315 ~~409.1671 related to community-based care.~~

316       (4)(8) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It  
317 is the intent of the Legislature that when county governments  
318 are required by law to participate in the funding of programs,  
319 the department shall consult with designated representatives of  
320 county governments in developing policies and service delivery  
321 plans for those programs.

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322 ~~(9) PROCUREMENT OF HEALTH SERVICES. Nothing contained in~~  
323 ~~chapter 287 shall require competitive bids for health services~~  
324 ~~involving examination, diagnosis, or treatment.~~

325 Section 3. Subsection (5) of section 20.43, Florida  
326 Statutes, is amended to read:

327 20.43 Department of Health.—There is created a Department  
328 of Health.

329 (5) The department shall plan and administer its public  
330 health programs through its county health departments and may,  
331 for administrative purposes and efficient service delivery,  
332 establish up to 15 service areas to carry out such duties as may  
333 be prescribed by the State Surgeon General. The boundaries of  
334 the service areas shall ~~be the same as, or combinations of, the~~  
335 ~~service districts of the Department of Children and Family~~  
336 ~~Services established in s. 20.19 and, to the extent practicable,~~  
337 ~~shall~~ take into consideration the boundaries of the jobs and  
338 education regional boards.

339 Section 4. Subsection (1) of section 420.622, Florida  
340 Statutes, is amended to read:

341 420.622 State Office on Homelessness; Council on  
342 Homelessness.—

343 (1) The State Office on Homelessness is created within the  
344 Department of Children and Families ~~Family Services~~ to provide  
345 interagency, council, and other related coordination on issues  
346 relating to homelessness. ~~An executive director of the office~~  
347 ~~shall be appointed by the Governor.~~

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348 Section 5. Subsection (6) of section 394.78, Florida  
349 Statutes, is renumbered as subsection (5), and present  
350 subsections (4) and (5) of that section are amended to read:

351 394.78 Operation and administration; personnel standards;  
352 procedures for audit and monitoring of service providers;  
353 resolution of disputes.-

354 (4) The department shall monitor service providers for  
355 compliance with contracts and applicable state and federal  
356 regulations. ~~A representative of the district health and human  
357 services board shall be represented on the monitoring team.~~

358 ~~(5) In unresolved disputes regarding this part or rules  
359 established pursuant to this part, providers and district health  
360 and human services boards shall adhere to formal procedures  
361 specified under s. 20.19(8)(n).~~

362 Section 6. During the 2013 Regular Session of the  
363 Legislature, the Legislature shall adopt legislation to conform  
364 the Florida Statutes to the provisions of this act.

365 Section 7. This act shall take effect July 1, 2012  
366  
367

368 -----

369 **T I T L E A M E N D M E N T**

370 Remove lines 14-15 and insert:

371 services; amending s. 20.19, F.S.; deleting provisions relating  
372 to the appointment of a Assistant Secretary for Substance Abuse  
373 and Mental Health; deleting provisions relating to the  
374 appointment of a Program Director for Substance Abuse and Mental  
375 Health;